

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

E. RAY RAYNOR,

Plaintiff,

v.

G4S SECURE SOLUTIONS (USA), INC.,

CHUCK BROCK, individually, and as

Strategic Account Executive Vice-

President,

DONALD S. ZECCARDI, individually, and

as Strategic Account Vice-President,

MALCOLM C. BURCHETT, JR.,

individually, and as Mid-Atlantic Executive

Vice President, TIFANI A. GRUSKY,

individually and as Mid- Atlantic Region,

Director of Administration, and

MICHAEL A. NAIL, General Manager,

Charlotte, North Carolina office,

Defendants.

CASE NO.: 3:17-CV-00160-FDW-DSC

THIS MATTER is before the Court on “Plaintiff’s Motion to Compel and for Sanctions ...” (document #28) filed November 3, 2017.

Plaintiff filed his Motion to Compel without first scheduling a telephone conference with the Court as required by Paragraph 1. i. of the Case Management Order (document #11).¹ Accordingly, the Motion to Compel (document #28) is denied without prejudice to Plaintiff’s right to request a telephone conference.

¹Section 1.i. of Case Management Order (document #11) states that:

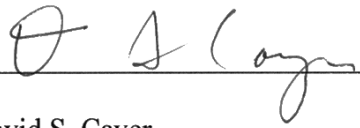
...the Court expects all parties (and counsel) to attempt in good faith to resolve discovery disputes without the necessity of court intervention. Failing this and prior to filing any motion to compel, the parties are required, within fourteen (14) calendar days after a discovery dispute arises,³ to schedule and submit to an informal telephonic conference before the referral magistrate judge (or the presiding district judge, if the magistrate judge is unavailable prior to the expiration of the 14 days). The judicial officer presiding over such a teleconference shall have jurisdiction to: (i) mediate the parties’ own resolution of the dispute; (ii) make a summary legal determination on the merits of the dispute, if appropriate; (iii) require the aggrieved party to file a written motion to compel and/or set an abbreviated briefing schedule, if appropriate; and (iv) award appropriate sanctions pursuant to Rule 37.

³ This time limitation may only be extended with leave of Court for good cause shown, and failure to timely submit to this procedure will result in the objection being deemed waived.

The Clerk is directed to send copies of this Order to counsel of record; and to the Honorable Frank D. Whitney.

SO ORDERED.

Signed: November 3, 2017



David S. Cayer
United States Magistrate Judge

